

Response: Under USACE procedures if during the design stage of a UXO/OE removal or investigation project new information is discovered, this information is assessed and modifications to the design incorporated as required. The process of managing and acting upon new information is further refined during field execution. USACE regulations governing execution of UXO/OE removal or investigation projects, require that information on the number, type and condition of UXO/OE encountered is assessed daily and acted upon immediately if necessary.

On December 5, 2000 the USACE provided a detailed response to Benicia City Attorney concerning the recent discovery of the tail fin. Any questions or concerns posed by the DTSC that are not addressed in the December 5, 2000 response should be addressed in the Tourtelot RI/FS document (reference (h)) as required by the DTSC Order No. I/SE 98/99-011.

Specific Questions

7. Page 1: Under the Summary: section; paragraph 2. Indicates that the appropriate Most Probably Munition (MPM) for Sector 3a and 3b are an un-armed 60 MM mortar and an un-armed 37 MM projectile, respectively. Please provide documentation to confirm that the 60 MM Mortar found in Sector 3a should be classified as un-armed and was not primed, fused and/or fired. Information available to DTSC also indicated that the 60 MM mortar that was found was a high explosive (HE) round. Please confirm that a 60 MM HE mortar was used as the MPM to determine an appropriate MSD in Sector 3a. The map contained in the Memorandum for Record indicates that the 37 MM projectile found in Sector 3b was fused. Please provide the justification used by the ACOE to classify this ordnance as un-armed when determining the appropriate MSD for Sector 3b.

Response: The key concept that must be understood by all parties is the impact of classifying an item as 'un-armed' versus 'armed' and the use of the 'Range to No More Than 1 Hazardous Fragment per 600 square feet'.

If an item is classified as 'armed', then the use of 'Range to No More Than 1 Hazardous Fragment per 600 square feet' is not an option under Department of Army regulations. If however, the item is classified as 'un-armed' the option to use the 'Range to No More Than 1 Hazardous Fragment per 600 square feet' is still available.

Whether the item is 'fused' is not considered when deciding to